

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

SAQUAN E. PARKS,

Plaintiff,

v.

B. GOMEZ,

Defendant.

Case No. 1:24-cv-01088-EPG

ORDER DIRECTING PLAINTIFF TO
SUPPLEMENT HIS APPLICATION TO
PROCEED *IN FORMA PAUPERIS*

(ECF No. 2)

THIRTY DAY DEADLINE

Plaintiff Saquan E. Parks is a state prisoner proceeding *pro se* in this civil action. (ECF No. 1). Together with his complaint, on September 4, 2024, Plaintiff also filed an application to proceed *in forma pauperis* (IFP). (ECF No. 2). On September 20, 2024, the Court issued Order to Show Cause why this case should not be dismissed for filing a false IFP affidavit. (ECF No. 8).

In the Order to Show Cause, the Court noted that Plaintiff filed the standard IFP application, which includes a declaration signed by Plaintiff answering questions about his finances under penalty of perjury. (ECF No. 8 at 2). Importantly, Plaintiff stated that (1) he received no money from any source over the last twelve months; (2) he had no cash or any other assets; and (3) he was not currently employed, including prison employment. (*Id.*) However, Plaintiff's trust account statement showed that:

- (1) Plaintiff received numerous deposits in his account in the six-month period preceding the filing of the complaint, totaling more than \$1,350;
- (2) some of the deposits suggest Plaintiff is employed at the prison;

- (3) Plaintiff had account balance of \$300.37 on August 1, 2024, and he spent \$294.50 of it on August 8, 2024, shortly before filing his complaint; and
- (4) Plaintiff would have had enough money to pay the entire \$405 filing fee had he not routinely spent his money on commissary purchases.

(ECF No. 8 at 2). Based on these facts, the Court concluded that “it appear[ed] that Plaintiff intentionally made false statements on his IFP affidavit by claiming that he received no money in the last twelve months and had no funds, and that he may have intentionally diverted funds by making a large commissary purchase shortly before filing his complaint.” (ECF No. 8 at 2–3). Accordingly, the Court ordered Plaintiff to file a response. (ECF No. 8 at 3).

On October 9, 2024, the Court received a document titled “Petition to Amend Original Civil Filing to Comply with Court Filing Fee(s).” (ECF No. 9). In it, Plaintiff says he does not understand the instructions on filing the civil case “packet” as they were provided to him by the prison and asks for instructions from the Court. (ECF No. 9 at 5).

However, Plaintiff still does not explain why he filed an application stating under oath he had no cash, assets, or a job, while his trust account statement shows these statements are false. Additionally, the signature line on Plaintiff’s response is left blank. (ECF No. 9 at 5). *See* L.R. 131(b).

The Court will not discharge the Order to Show Cause (ECF No. 8) at this time. To obtain additional information related to Plaintiff’s sworn statements to the Court in his IFP motion, the Court will order Plaintiff to supplement his original application with the long-form IFP application (form AO 239), which shall include complete and accurate information and be signed under penalty of perjury, or to pay the filing fee no later than 30 days from today.

Accordingly, the Court **ORDERS** that:

1. Along with this Order, the Clerk of Court is directed to send Plaintiff a long-form application to proceed *in forma pauperis* (form AO 239);
2. Within 30 days from the date of service of this order, Plaintiff shall either:
 - a. Supplement his original IFP application (ECF No. 2) with the long-form IFP application (form AO 239), which shall include complete and accurate information and be signed under penalty of perjury; or

b. Pay the \$405 filing fee if he wishes to proceed with this action.

3. **Plaintiff is advised that failure to respond to this order timely or to pay the required filing fee as ordered will result in the dismissal of this action without prejudice.**

IT IS SO ORDERED.

Dated: **October 16, 2024**

/s/ Eric P. Gray
UNITED STATES MAGISTRATE JUDGE